

26 April 2024

DECISION

GREYHOUND RACING VICTORIA

and

JESSICA LYONS

- Date of hearing:** 21 March 2024
- Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Ms Melissa Mahady.
- Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.
Ms Jessica Lyons represented herself.
- Charges:** Greyhounds Australasia Rule ("GAR") 141(1) states:
(1) The owner, trainer or other person in charge of a greyhound:
(a) nominated to compete in an Event;
(b) presented for a satisfactory trial or such other trial as provided for by the Rules; or
(c) presented for any test or examination for the purpose of a stand-down period being varied or revoked,
must present the greyhound free of any prohibited substance.
- GAR 151(1) states:
(1) The person in charge of a greyhound must keep and retain written records detailing all vaccinations, antiparasitics and treatments administered to the greyhound:
(a) from the time the greyhound enters their care until the greyhound leaves their care; and
(b) for a minimum of two years.
- Particulars:** **Charge 1: GAR 141(1)**
1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.
 2. You were, at all relevant times, the trainer of the greyhound "Cohuna Matata".

3. Cohuna Matata was nominated to compete in Race 2, HIP POCKET BENDIGO, Tier 3 – Maiden, conducted by the Bendigo Greyhound Racing Association at Bendigo on 29 March 2023 (the Event).

4. On 29 March 2023, you presented Cohuna Matata at the Event not free of any prohibited substance, given that:

(a) A post-race sample of urine was taken from Cohuna Matata at the Event (the Sample);

(b) Arsenic was detected at a mass concentration of greater than 800 nanograms per millilitre in the Sample.

Charge 2: GAR 141(1)

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.

2. You were, at all relevant times, the trainer of the greyhound Cohuna Matata.

3. Cohuna Matata was nominated to compete in Race 2, HIP POCKET BENDIGO, Tier 3 – Maiden, conducted by the Bendigo Greyhound Racing Association at Bendigo on 29 March 2023 (the Event).

4. On 29 March 2023, you presented Cohuna Matata at the Event not free of any prohibited substance, given that:

(a) A post-race sample of urine was taken from Cohuna Matata at the Event (the Sample);

(b) Procaine was detected in the Sample.

Charge 3: GAR 151(1)

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhound Racing Victoria Rules of Racing.

2. On 9 May 2023, you failed to produce treatment records for inspection, upon request from Steward Meg Bayliss, a person authorised by the Controlling Body, for greyhounds for which you were the responsible person at the relevant time.

Pleas: Guilty

DECISION

1. Ms Jessica Lyons has been a greyhound trainer for three years. She entered the greyhound "Cohuna Matata" in a Race 2 at Bendigo on 29 March 2023. The greyhound won the race. A post-race urine sample taken from the greyhound found two prohibited substances present at the time of the race. The first was arsenic. The second was procaine.
2. Ms Lyons was thus charged with two presentation offences arising out of the same swab.
3. When the Stewards visited her kennels on 9 May 2023, they asked to see her treatment records relating to Cohuna Matata. The Stewards' evidence was that she was unable to provide them. As a result of this inability to produce the records required, she is also charged with one charge of failing to keep treatment records.
4. There is some difference in the evidence from the Steward contained in the brief and the account given to us in this hearing by Ms Lyons in relation to the treatment records. Ms Lyons told us that she did not have an individual treatment book for Cohuna Matata, but that she had entered all of the information required in a treatment book which contained all of the treatment information for all of her greyhounds. This information was available to be inspected by the Steward. She conceded that she had not recorded the amount, time of administration, or manner of administration in some instances. However, it appeared from her description at the hearing that the information was substantially available.
5. Ms Lyons said that she was unable to provide complete treatment records for each dog, as she was in the process of creating separate books for each greyhound. She had previously kept all of the information in one book and had decided to change to a new

system. In those circumstances, we have treated this charge as at a very low level of culpability.

6. Arsenic is a naturally occurring substance. It is therefore not banned outright. The Rule only comes into operation if the arsenic is found to be present at a level over a threshold of 800 nanograms per millilitre (ng/ml). By way of comparison, it is expected that 95% of greyhounds should have a level of arsenic which is lower than 128 ng/ml. By way of further example, in this case the control sample contained less than one ng/ml.
7. When Cohuna Matata was tested, two samples were taken. The first sample was tested by Racing Analytical Services Limited (“RASL”) and subsequently found to contain 998 ng/ml of arsenic. The second sample, which was analysed at a later date by a Queensland laboratory, contained 968 ng/ml of arsenic. Both of these readings are well above the threshold.
8. When she was questioned by the Stewards about her greyhound feeding practices, Ms Lyons said that she was accustomed to giving her greyhound sardines in addition to their regular feed, and she also provided them with kelp and seaweed. She had been giving the sardines for quite some time, but had only recently commenced using kelp and seaweed.
9. Cohuna Matata was tested on 29 March 2023. On 6 April 2023, Ms Lyons was cautioned by the Stewards regarding high levels of arsenic which were detected in another of her dogs. At the time she thought that this high arsenic level must have been produced by the kelp and seaweed. She therefore discontinued using kelp. She has continued to feed sardines and has had no other positive swabs from any of her dogs. We note however that Dr Steven Karamatic has cautioned that it is possible that the sardines may also have contributed to the high arsenic level.
10. Arsenic can be fatal to dogs, although it has sometimes been used in small doses as a tonic. Ms Lyons said that she thought that the kelp and seaweed contained vitamins and were a natural and safe supplement. She had never considered that any of these substances which she fed to her dogs may have contained arsenic. She had not seen any articles circulated by Greyhound Racing Victoria (“GRV”) regarding the dangers of feeding kelp and seaweed products to greyhounds.
11. Procaine is a therapeutic substance and is also prohibited for use in greyhounds. It is a local anaesthetic and is commonly used to provide pain relief in conjunction with penicillin. There are six products containing procaine which are available for use in dogs under veterinary prescription. Procaine is capable of affecting the performance of a dog by creating an artificially pain free state.

12. Ms Lyons has no idea how the procaine came to be ingested by her dog. However, she does feed knackery meat to her dogs. She said that she knew that there were risks in feeding knackery meat, but bought premium meat and has never had any difficulty at all with contamination from the knackery meat that she has fed in the past.
13. Ms Lyons has pleaded guilty to each charge. She has a clear record in the industry. She has pleaded guilty and has cooperated with the Stewards. These are matters to be taken into account in her favour.
14. Ms Lyons is a hobby trainer and participates in the sport together with her father, who is also a trainer.
15. In determining an appropriate penalty, we acknowledge the importance of general deterrence. It is very important to ensure that the greyhound industry is drug free and participants have an obligation to do all they can to ensure that this is the case. The onus is on participants to ensure that their dogs are presented free of any prohibited substance. At the very least, they should read and absorb the many warnings given by GRV as to the risk of contamination.
16. We also acknowledge the importance of specific deterrence. In this case, Ms Lyons has told us that she is unable to afford human grade meat for her greyhounds, and will continue to feed knackery meat – albeit that it is now kangaroo meat mixed with beef. This is her decision to make. However, she has clearly now been warned that this is a dangerous path to take.
17. In all the circumstances the penalties which we impose are as follows.

Charge 1: six months suspension with four months suspended for 12 months.

Charge 2: \$2,000 fine fully suspended for a period of 12 months.

Charge 3: \$200 fine.
18. We order that the period of suspension on charge two be served concurrently with the penalty on charge one, given that both charges arise out of the same circumstances. In addition, Cohuna Matata is disqualified from Race 2 at Bendigo on 29 March 2023 and the finishing order is amended accordingly.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal